

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JAMES McCONICO, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:19cv111-MHT
	)	(WO)
ALABAMA BOARD OF PARDONS &	)	
PAROLE, et al.,	)	
	)	
Respondents.	)	

ORDER

It is ORDERED that petitioner's motion for certificate of appealability (doc. no. 48) is denied as moot, and on the merits.

Petitioner filed his motion for certificate of appealability in order to appeal the court's June 7, 2019 judgment. See Motion for Certificate of Appealability (doc. no. 48). Shortly after entering the judgment, the court received petitioner's earlier mailed motion for additional time to file an objection to the recommendation of the United States Magistrate Judge. See Motion for Additional Time (doc. no. 44). The court then vacated the judgment (before receiving

petitioner's notice of appeal and motion for certificate of appealability) and granted the motion for additional time to file an objection to the recommendation. See Order (doc. no. 45). In sum, there is no need for a certificate of appealability now because the contested judgment is no longer in force; thus the motion is moot.

In any case, to obtain a certificate of appealability the prisoner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court finds that petitioner has failed to make this showing because the judgment he appeals from has been vacated.

DONE, this the 15th day of July, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE